

ENGROSSED HOUSE
BILL NO. 1586

By: Hutchison, Boyd (Betty),
Erwin, Mass, Widener,
Kirby and Toure of the
House

and

Easley of the Senate

(recreation and tourism - Oklahoma Recreation and
Development Act - amending 68 O.S., Section 1353 -
amending 62 O.S., Section 203 - codification - effective
dates - emergency)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1901 of Title 74, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Recreation and Development Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1902 of Title 74, unless there
is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "Board" means the Oklahoma Recreation and Development
Revolving Fund Advisory Board as established in Section 5 of this
act;

2. "Department" means the Oklahoma Tourism and Recreation
Department;

3. "Commission" means the Oklahoma Tourism and Recreation Commission which is the governing board of the Oklahoma Tourism and Recreation Department;

4. "Local government" means a county, city, village, town or any authority within this state composed of counties, cities, villages, towns, or any combination thereof, which authority is legally constituted to provide for public recreation and tourism;

5. "Sponsor" means a state agency, a nonprofit organization, a local government, or an Indian tribe which is eligible for funding or other assistance through this act;

6. "State agency" means a department, commission or authority of this state which is legally constituted to provide for public recreation and tourism;

7. "Recipient" means the beneficiary of a project, not necessarily a sponsor. A recipient shall be a public entity, tribe or private entity. If the recipient is a private entity, project lands and improvements shall be leased or otherwise dedicated to a public purpose for not less than twenty-five (25) years;

8. "Nonprofit organization" means a corporation, trust or association which is duly recognized as an exempt organization under the Internal Revenue Code and which is legally constituted to provide public facility support;

9. "Indian tribe" means a Native American government, council or nation which is legally constituted to provide for public recreation and tourism;

10. "Total expenditures" means the amounts actually expended from the fund as authorized by this act;

11. "Fund" means the Oklahoma Recreation and Development Revolving Fund;

12. "Project(s)" means any scope of work eligible for funding under this act; and

13. "Oklahoma Tourism and Recreation Assistance Center" also referred to as "OTRAC" is an institute authorized under this act, functioning through the Division of Planning and Development of the Oklahoma Tourism and Recreation Department, and established as the repository and coordinating entity for recreation and tourism research and developmental assistance within this state.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1903 of Title 74, unless there is created a duplication in numbering, reads as follows:

There shall be created in the State Treasury a revolving fund to be designated the "Oklahoma Recreation and Development Revolving Fund." The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies designated for the fund by statute, monies the Legislature may appropriate or transfer to the fund, monies contributed for the fund from any other sources public or private, and income from investment of the fund. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Tourism and Recreation Commission, with advice from the Oklahoma Recreation and Development Revolving Fund Advisory Board, as provided by Section 4 of this act. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1904 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Income from investment of the monies of the Oklahoma Recreation and Development Revolving Fund may be expended for the following purposes:

1. The development of public recreation and tourism facilities;

2. The major maintenance and retrofitting of public recreation and tourism facilities for compliance with federal accessibility requirements;

3. The preparation of planning and research documents for public recreation and tourism facilities or products;

4. The protection or preservation of lands or rights in land for public recreational and tourism use or for environmental importance or scenic beauty;

5. The implementation of special demonstration projects which show merit for recreation and tourism, but do not fit explicitly into another category of eligibility;

6. The development and operation of Oklahoma Tourism and Recreation Assistance Center (OTRAC) which will serve as the focal point for recreation and tourism research and development within Oklahoma;

7. The development and implementation of programs that have a historical purpose and utilize historical resources, such as reenactments, interpretive exhibits and public accessibility; and

8. Costs of administering the fund which shall not exceed in any fiscal year fifteen percent (15%) of the investment income of the preceding fiscal year. However, for the first year beginning July 1, 1995, an estimated amount of investment income shall be used to determine the allowable level of administrative costs.

B. In any fiscal year, an amount not to exceed sixty-six and two-thirds percent (66 2/3%) of the available monies in the Oklahoma Recreation and Development Revolving Fund, exclusive of investment income, may be expended in the following fiscal year for the purposes set forth in paragraphs 1, 2, 3, 4, 5 and 6 of subsection A of this section. Whenever the balance in the revolving fund, exclusive of investment income, exceeds One Hundred Million Dollars (\$100,000,000.00), the State Treasurer shall transfer the excess monies to the General Revenue Fund of the State Treasury.

C. Expenditures authorized in subsections A and B of this section may be made in the form of grants to sponsors legally constituted to provide public tourism or recreation, provided:

1. The grant is used for a purpose authorized by subsection A of this section; and

2. The grant is matched by the recipient entity to the extent of at least twenty-five percent (25%) of the total cost of the project, of which at least sixty percent (60%) of the match is in cash. A waiver of the match requirements is allowable with recommendation of the Oklahoma Recreation and Development Revolving Fund Advisory Board and approval of the Oklahoma Tourism and Recreation Commission. Funds provided to OTRAC for operation shall not require a match.

D. The total expenditures from the Recreation and Development Revolving Fund in any fiscal year for the development of public recreation and tourism facilities, planning studies and other eligible projects shall be allotted in accordance with rules developed by the Board and adopted by the Commission. In no case shall greater than seventy-five percent (75%) or less than sixty-five percent (65%) of the available funds be distributed for grants as eligible in paragraphs 1, 2, 3 and 4 of subsection A of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1905 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Recreation and Development Revolving Fund Advisory Board shall be established within the Oklahoma Tourism and Recreation Department. The Division of Planning and Development within the Department shall provide technical assistance and support to the Board in performing its duties and functions.

B. The Board shall consist of nine (9) members. The members shall include the Director of the Oklahoma Tourism and Recreation

Department, or a member of the Oklahoma Tourism and Recreation Commission, as determined by the Commission; the Director of the Oklahoma Historical Society or a designee; the President of the Oklahoma Historical Society or a designee; the Director of the Department of Wildlife Conservation or a designee; the State Director of the Oklahoma Small Business Development Center or a designee; the President and Chief Executive Officer of the Oklahoma Finance Authorities or a designee; the President of the Oklahoma Recreation and Parks Society; one member selected by the general membership of the Oklahoma Recreation and Parks Society; and the Director of the Oklahoma Tourism and Recreation Assistance Center.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1906 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Recreation and Development Revolving Fund Advisory Board shall elect a chairperson and establish proposed administrative procedures and rules for fund disbursement and for operation of OTRAC to be adopted by the Oklahoma Tourism and Recreation Commission in accordance with the Administrative Procedures Act. The business which the Board may perform shall be conducted at a public meeting of the Board held in compliance with the Open Meeting Act. The Board shall meet not less than once every quarter of the year and shall record its proceedings.

B. On or before February 14 of each year, the Board shall report to the Commission detailing the operations of the Board for the preceding one-year period.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1907 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Recreation and Development Revolving Fund Advisory Board shall determine and shall recommend to the Oklahoma Tourism and Recreation Commission projects within the state that

should be performed with money from the Oklahoma Recreation and Development Revolving Fund, and shall submit to the Commission no later than February of each year a list of those projects that the Board has determined should be performed with money from the revolving fund, compiled in order of priority.

B. The list shall be accompanied by estimates of total costs for the proposed projects.

C. The Board shall supply with each list a statement of the guidelines used in listing and assigning the priority of the proposed projects.

D. The Commission shall review the recommendations of the Board and shall determine the list of projects funded.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1908 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. All interest and earnings on money appropriated to or otherwise deposited in the Oklahoma Recreation and Development Revolving Fund shall be designated as proceeds of the revolving fund which are available for distribution on projects.

B. Upon completion of a project funded with proceeds of the revolving fund, any unexpended balance remaining after completion of the project for which the money was authorized shall be deposited in the revolving fund and may be allocated for other projects.

SECTION 9. AMENDATORY 68 O.S. 1991, Section 1353, is amended to read as follows:

Section 1353. Purpose of Article - Apportionment of Revenues.

It is hereby declared to be the purpose of the Oklahoma Sales Tax Code to provide funds for the financing of the ~~program~~ programs provided for by the Oklahoma Social Security Act and the Oklahoma Recreation and Development Act, and to provide revenues for the support of the functions of the state government of Oklahoma, and for this purpose it is hereby expressly provided that the revenues

derived pursuant to the provisions of the Oklahoma Sales Tax Code shall be paid to the State Treasurer to be placed to the credit of the General Revenue Fund to be paid out pursuant to direct appropriation by the Legislature, except as provided in Section 10 of this act.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1353.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

All collections from the tax levied pursuant to Section 1354 of Title 68 of the Oklahoma Statutes and which are derived from businesses identified by the Standard Industrial Classification Code number 5941, also known as sporting goods stores and bicycle shops, and Standard Industrial Classification Code numbers 5735 and 5736, also known as record and prerecorded tape stores and musical instrument stores, shall be paid monthly to the State Treasurer who shall deposit the collections in the Oklahoma Recreation and Development Revolving Fund established by the Oklahoma Recreation and Development Act for the purposes identified in the act or to the General Revenue Fund of the State Treasury as required by Section 4 of this act.

SECTION 11. AMENDATORY 62 O.S. 1991, Section 203, as last amended by Section 9, Chapter 329, O.S.L. 1994 (62 O.S. Supp. 1994, Section 203), is amended to read as follows:

Section 203. A. Except as otherwise provided by subsection B of this section, all monies that may come into the State Treasury, pursuant to the provisions of Section 201 et seq. of this title, together with all amounts that may be received by the State Treasurer as investment income or as interest on average daily bank balances, including investment income or interest on deposits from funds deposited to the credit of the Constitutional Reserve Fund created pursuant to Section 23 of Article ~~10~~ X of the Oklahoma

Constitution, shall be apportioned and credited to the General Revenue Fund for the current year.

B. The provisions of subsection A of this section shall not apply to:

1. Interest received on deposits from funds under the control of the Commissioners of the Land Office;

2. Funds in the Department of Human Services Federal Disallowance Fund;

3. Interest received on deposits from funds under the control of the Santa Claus Commission; ~~and~~

4. The Risk Management Revolving Fund; and

5. Investment income from funds in the Oklahoma Recreation and Development Revolving Fund.

SECTION 12. Sections 1 through 9 and 11 of this act shall become effective July 1, 1995.

SECTION 13. Section 10 of this act shall become effective July 1, 1996.

SECTION 14. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 6th day of March, 1995.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate